

Board for Professional Engineers and Land Surveyors
Proposed Adoption of Section 475

Adopt Section 475 as follows:

475. Code of Professional Conduct – Professional Engineering

To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional engineer, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. A violation of this Code of Professional Conduct in the practice of professional engineering constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 6775 of the Code:

(a) Compliance with Laws Applicable to a Project:

(1) A licensee shall comply with the laws, codes, ordinances, rules, and regulations applicable to a project when undertaking or performing professional services on that project. A licensee may obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional engineers, professional land surveyors, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations.

(b) Conflict of Interest:

(1) If a licensee provides professional services for two or more clients on a project or related projects, the licensee shall disclose in writing to those clients and project owners his or her relationship to those clients.

(2) If a licensee has any business association or financial interest which may influence his or her judgment in connection with the performance of professional services, the licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or financial interest.

(3) A licensee shall not solicit or accept payments, rebates, refunds, or commissions, whether in the form of money or otherwise, from contractors or suppliers of material, systems, or equipment in return for specifying their products to a client or employer of the licensee.

(4) A licensee, while engaged by a governmental agency as an officer, employee, appointee, agent, or consultant of that agency shall not engage in a professional engineering business or activity that may be subject to that licensee's direct or indirect control, inspection, review, audit, or enforcement on behalf of that agency, unless the circumstances are disclosed to and approved by that agency in writing prior to such engagement.

(c) Representations:

(1) A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.

(2) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with projects or services for which the licensee is receiving or will receive compensation from that client.

(3) A licensee shall not misrepresent his or her scope of responsibility in connection with projects or services for which the licensee is claiming credit.

(4) A licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, affiliations, or purposes or those of the institutions, organizations, or other businesses with which he or she is associated.

(5) When providing information in connection with a person's application for a license to practice professional engineering, a licensee shall accurately represent his or her knowledge of the applicant's qualifications.

(6) A licensee may advertise or solicit for any services for which he or she is authorized by licensure.

(7) A licensee shall only express professional opinions that have a basis in fact or experience.

(8) A licensee shall not plagiarize the professional work of others and shall attribute proper credit to others for their work or contribution.

(9) A licensee shall not knowingly permit the publication or use of his or her data, reports, plans, or other professional documents for unlawful purposes.

(10) A licensee shall not falsely or maliciously injure or attempt to injure the reputation or business of others.

(11) A licensee shall not misrepresent data and/or its relative significance in any professional engineering report.

(d) Copyright Infringement:

(1) A licensee shall not knowingly infringe upon the copyrighted work of other licensees or design professionals.

(e) Confidential Information:

Confidential information obtained by a licensee, in his or her professional capacity, concerning a client, employer, or other related party shall not be disclosed by the licensee without the permission of the client, employer, or other related party except for the following:

(1) Disclosures made in response to a subpoena or summons enforceable by an order of the court.

(2) Disclosures made in response to an official inquiry from a governmental regulatory agency.

(3) Disclosures made when required by law.

(4) Disclosures made upon discovering a hazard within the licensee's field of professional expertise which may threaten the health, safety, and welfare of the public.

(5) Disclosures made when providing evidence to the Board regarding unlicensed individuals or other licensees who may have violated the Professional Engineers Act.

(6) Disclosures made regarding illegal conduct.

As used in this section, "confidential information" means information identified as confidential by the licensee's client, employer, or other related party.

(f) Document Submittal:

(1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.

(2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or to other involved parties.

NOTE: Authority cited: Sections 6716, Business and Professions Code. Reference: Sections 6716 and 6775, Business and Professions Code.

Board for Professional Engineers and Land Surveyors
Proposed Adoption of Section 476

Adopt Section 476 as follows:

476. Code of Professional Conduct – Professional Land Surveying

To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional land surveyor or professional civil engineer legally authorized to practice land surveying, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. A violation of this Code of Professional Conduct in the practice of professional land surveying constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 8780 of the Code:

(a) Compliance with Laws Applicable to a Project:

(1) A licensee shall comply with the laws, codes, ordinances, rules, and regulations applicable to a project when undertaking or performing professional services on that project. A licensee may obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional engineers, professional land surveyors, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations.

(b) Conflict of Interest:

(1) If a licensee provides professional services for two or more clients on a project or related projects, the licensee shall disclose in writing to those clients and project owners his or her relationship to those clients.

(2) If a licensee has any business association or financial interest which may influence his or her judgment in connection with the performance of professional services, the licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or financial interest.

(3) A licensee shall not solicit or accept payments, rebates, refunds, or commissions, whether in the form of money or otherwise, from contractors or suppliers of material, systems, or equipment in return for specifying their products to a client or employer of the licensee.

(4) A licensee, while engaged by a governmental agency as an officer, employee, appointee, agent, or consultant of that agency shall not engage in a professional land surveying business or activity that may be subject to that licensee's direct or indirect control, inspection, review, audit, or enforcement on behalf of that agency, unless the circumstances are disclosed to and approved by that agency in writing prior to such engagement.

(c) Representations:

(1) A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.

(2) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with projects or services for which the licensee is receiving or will receive compensation from that client.

(3) A licensee shall not misrepresent his or her scope of responsibility in connection with projects or services for which the licensee is claiming credit.

(4) A licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, affiliations, or purposes or those of the institutions, organizations, or other businesses with which he or she is associated.

(5) When providing information in connection with a person's application for a license to practice professional land surveying, a licensee shall accurately represent his or her knowledge of the applicant's qualifications.

(6) A licensee may advertise or solicit for any services for which he or she is authorized by licensure.

(7) A licensee shall only express professional opinions that have a basis in fact or experience.

(8) A licensee shall not plagiarize the professional work of others and shall attribute proper credit to others for their work or contribution.

(9) A licensee shall not knowingly permit the publication or use of his or her data, reports, maps, or other professional documents for unlawful purposes.

(10) A licensee shall not falsely or maliciously injure or attempt to injure the reputation or business of others.

(11) A licensee shall not misrepresent data and/or its relative significance in any professional land surveying report.

(d) Copyright Infringement:

(1) A licensee shall not knowingly infringe upon the copyrighted work of other licensees or design professionals.

(e) Confidential Information:

Confidential information obtained by a licensee, in his or her professional capacity, concerning a client, employer, or other related party shall not be disclosed by the licensee without the permission of the client, employer, or other related party except for the following:

(1) Disclosures made in response to a subpoena or summons enforceable by an order of the court.

(2) Disclosures made in response to an official inquiry from a governmental regulatory agency.

(3) Disclosures made when required by law.

(4) Disclosures made upon discovering a hazard within the licensee's field of professional expertise which may threaten the health, safety, and welfare of the public.

(5) Disclosures made when providing evidence to the Board regarding unlicensed individuals or other licensees who may have violated the Professional Land Surveyors' Act.

(6) Disclosures made regarding illegal conduct.

As used in this section, "confidential information" means information identified as confidential by the licensee's client, employer, or other related party.

(f) Document Submittal:

(1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.

(2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or to other involved parties.

NOTE: Authority cited: Section 8710, Business and Professions Code. Reference: Sections 8710 and 8780, Business and Professions Code.